

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**LINDA SURRATT, Individually
And as heir and Legal
Representative of the Estate of
LESA ANN SURRATT
(Deceased), Plaintiff**














V.

§ CIVIL ACTION NO. 4:14cv338

**OFFICERS BRIAN MCCLARAN,
TOM CAVER & TREVOR STEVENS & §
CITY OF SHERMAN , Defendants §**

§ § §

EXHIBIT 2

State of Texas §

County of Grayson §

AFFIDAVIT OF TERRY VICE

I am Terry Vice and am over the age of 18 and state the following:

"I am a licensed private investigator in the State of Texas. I have been a private investigator for the past two years. Prior to that I served as a Dallas Police Officer and a Detective of the Dallas Police Department for the previous 30 years. I was certified as a Master Police Officer with the TCLEOSE and received appropriate training and numerous citations and awards. As a Detective for 20 years with the Dallas Police Department I conducted thousands of criminal investigations into organized crime, bribery, trafficking, prostitution and vice related activities.

I was hired to investigate the death of Lesa Surratt by Don Bailey, a private attorney. The official investigation was not available from the City so my investigation consisted of viewing the scene, interviewing witnesses that would talk to me and summarizing that testimony. I recorded all interviews and those interviews have been provided to Mr. Bailey and it is my understanding, to the defendants in a subsequent lawsuit that arose from the death of Lesa Surratt.

On November 16, 2013 I attempted to interview Witness Gregg Giddens at ~~1008~~ ~~1008~~, Sherman. Witness Giddens stated he was recording the incident on his telephone but was told by the Police if he did not want his telephone confiscated to turn it off. At the time of this interview Witness Giddens was in a hurry to leave for work or a business meeting and did not have time to speak with us. Witness Giddens did say he would be glad to speak at a different time.

On November 16, 2013 I interviewed Don Kelly at ~~916 Cherry~~, Sherman. Witness Don Kelly stated Lesa was going north bound down Hazelwood and was pulled over by a cop. Lesa lit up a cigarette. The Police asked Lesa to get out of the car, the Police handcuffed her and put her in the Police vehicle and they did not search her. A few minutes later another cop pulled up. There were about 4 or 5 cops. Texas Ranger Oliver parked in front of his house. The Police got the other girl,

Monica, out of the car and she pitched a fit. Lesa was not irritated until the Police got her out of the Police vehicle. The Police got Lesa out of the Police truck and fixed the handcuffs. The next thing he knew was they had her laying on the ground. The ambulance showed up and they watched everything from the porch. Traffic was blocked off. Ronda Woods was allowed to go to her home. The girls were not in the Police truck at the same time. Monica was setting on the curb. While Lesa was in the back of the Police vehicle she slipped out of the handcuffs and swallowed some drugs. Lesa was on the ground with 4 or 5 Police Officers on top of her. Kelly did not know what they were doing. The Police were dog piling her. Kelly thought every cop in town was over there at the time. Kelly believed they had tazed someone. Kelly heard an officer tell the officers to taze the bitch. The Witness Don Kelly seemed to be confused about his times. He said Lesa was in the back of the Police car for about 20 – 30 minutes. He saw Police Officers shining their flashlights inside Lesa's vehicle looking for stuff. Kelly stated that the Police are stopping everyone for everything over here. Lesa stays at Tony's all the time. Kelly stated there is a lot of people under investigation around here. When the Police were pulling Lesa from the Police car he heard someone say she is choking. The Police had to drag Lesa out of the car. She was kicking to let the Police know she was choking. The Police put her on the ground and that was when Kelly saw 4 or 5 cops jump on top of her. He thinks they were handcuffing her again because she slipped out of them again. During the fight someone got tazed. After the Police subdued her there was no more movement. About 15 or 20 minutes later an ambulance arrived. The Police did not help Lesa because they did not know what to do. The Police were just standing around and talking to the other girl and let her go. The ambulance worked on Lesa for about 30 minutes.

On November 16, 2013 I interviewed Witness Sherry Kelly at ~~Pro Cherry~~ Sherman. Witness Sherry Kelly stated she knew Lesa Surratt. The Police pulled Lesa over down the street from her house. The distance according to Sherry was approximately 40 yards from her porch located on the east side of her house. While Witness Sherry Kelly was setting on that porch with her husband Don Kelly. Witness Sherry Kelly observed Lesa exit her vehicle and light a cigarette. The Police Officer told Lesa to put the cigarette out and Lesa said, no, if I am going to jail I want to smoke a cigarette. The Police Officer did not pat Lesa down. Witness Sherry Kelly said she found out afterwards Lesa had drugs. She said Lesa got out

of the handcuffs. She felt the Police should have never put Lesa in the car until a lady cop searched her. She said the lady with her did not have anything on her. She said Lesa is a great girl and she cooperated and did exactly what the Police asked. After the Police put Lesa in the Police car she put the drugs in her mouth. She did not know where the drugs were. Lesa swallowed the first pill and it went down. She swallowed the second pill and it got hung up. Then Lesa started kicking the windows of the Police vehicle. That should tell you something is wrong if someone is kicking the car windows. The Police ignored Lesa at that point. The Police walked over after a moment or two and told her to quit kicking but she could not talk or breathe. All she said she knows is when they got Lesa on the ground they tazed her. It was about 12 minutes while she was on the ground before they discovered she could not breathe. It was still light when the Police pulled Lesa over. She said Lesa was a good woman. She said the Police got a statement from Tony. Texas Ranger Oliver came out but he does not have any connection with the local Police. Lesa was kind and nice to me. The Police got Lesa out of the car and tazed her in the front yard of a gray house. Rhonda Woods got off work and came home after 11:00pm. The incident occurred around 8:30pm-9:00pm. She said it did not happen at 10:43pm. Texas Ranger Oliver parked in front of her house around 10:45pm and 11:00pm until 1:00am. She said all she knows is that the second pill Lesa swallowed was so big it got stuck in her wind pipe and she; went into a panic. They moved the car into the alley and put up caution tape. Ranger Oliver collected evidence. It was daylight when the incident occurred. Monica was the other girl with Lesa. Quincy told her that the other girl was his. Sherry could not see Lesa's body. Allen Moore sets outside to 3 and 4 in the morning. Lesa was in Rhonda's yard. The ambulance arrived without sirens and lights and left the same way. Sherry stated they left Lesa laying over there on the ground brain dead. The ambulance put her on the machine to bring her back.

On November 18, 2013 I interviewed Witness Allen Moore who lives at [REDACTED] Hazelwood, Sherman. Witness Moore stated immediately that the Police should have gotten a Police woman involved. Witness Moore stated the Police deliberately took the handcuffs off of Lesa. Lesa was fighting because she was tripping. When they got her out of the car she became belligerent again. The Police got Lesa on the ground and wrestled around. Moore told them to get off of her. Lesa laid there and the Police got up and walked away. One Police Officer said

Lesa was loaded with that shit. One Police Officer had his car lights on Lesa. There was an older Officer and a bald headed Officer. Lesa tried to get up but started throwing up. There were 5 or 6 cops there. One tried chest massage. One cop was going through her genitalia area searching for drugs. The Police checked all over her body. Witness Moore stated he did not see anyone hit Lesa with a flashlight. The Police handcuffed Lesa and got her on the ground. He said there were 3 cops on her. He stated that he could not see a lot of what was going on because it was around 10:30pm. One cop got nasty with her and she became bouncy. An ambulance came and kelp Lesa for about 20-25 minutes. Witness Moore stated he saw everything. It was like she was having a stroke. The faster you get medical care the better you are. He said that he is not on either ones side and that he did not know Lesa

On November 18, 2013 I interviewed Witness Tony Martin at [REDACTED] 414 Hazelwood, Sherman. Witness Martin stated that he was friends with Lesa Surratt. He stated that everything he saw was ok by the Police. Lesa was driving down Hazelwood toward his house from the south and was stopped near a trash can across from his home. This would put Lesa in the driver side seat visually nearest to him. On a traffic stop a Policeman walks up to her vehicle and obtains her DL and then he walks back to his Police Truck and checks her. The Police Officer then return to Lesa's vehicle and has Lesa exist. The Police Officer then handcuffs Lesa and walks her back to his Police Truck and has her get in the back driver side seat. The Police Officer then returns to Lesa's vehicle and has the passenger Monica Garza exist and handcuffs her. He then escorts her to the Police Truck and places her in the passenger back seat next to Lesa Surratt. Witness Martin stated that Lesa was not out of line with the Police Officer before being place in the Police Truck. Witness Martin stated after Lesa and Monica were put in the Police Truck he did not see anything else occur because his view was blocked by the vehicles. Witness Martin showed Investigator where Quincy Williams lived. Interview stopped.

I attempted to contact possible Witness Ronda Woods at [REDACTED] 417 Hazelwood, Sherman and by telephone, [REDACTED] 903-421-5653. This address was near or about the location of the incident. After speaking with Witnesses Sherry Kelly, I learned the possible Witness Rhonda Woods was not at home or at the location during the time of incident. Witness Sherry Kelly stated that Witness Rhonda Woods arrived at the location of the incident at about 11:00pm after the incident had occurred. The area

had already been taped off, but the Police allowed Witness Ronda Woods to enter the location and go to her home.

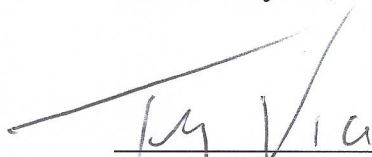
I interviewed Witness Monica Garza. Ms. Garza was living or staying with Witness Quincy Williams at 508 S. Maxey, Sherman. Witness Garza stated to I that she was with Lesa Surratt on the day she was stopped by the Police on Hazelwood Street. Garza stated she was coming from Pottsboro with Lesa Surratt when Lesa got a phone call from McClarin, but did not know it was him at that time. The person on the telephone asked Lesa for some drugs. The person told her to go to Whitney store. They went to the store on Whitney and played the machines and then drove to Hazelwood. As they were driving north they were stopped on a traffic stop by a uniformed Police Officer. The Police officer used his squad car red lights to stop Lesa. Lesa told Monica Garza that she was driving a rental car. Lesa started looking for the vehicle's insurance. The Police Officer had Lesa step out of the vehicle. Lesa was paranoid because she had drugs on her. Monica Garza stated there were no bags involved like zip lock. The drugs were in an orange pill case and Lesa put it in her panties. The traffic stop was in front of Allen Moore's house and across the street from Tony Martin's house. During the traffic stop Monica Garza said the Police Officer was polite. In addition Lesa was not angry. Monica Garza was still sitting in the passenger seat at this time. Lesa was wearing a blue skirt and tank top. The Officer placed Lesa under arrest and put her in the Police SUV. The Police Officer returned to Lesa vehicle and told Monica Garza he remembers her and she had an active warrant. Monica stepped out of Lesa vehicle and was arrested for FTA. The Police Officer confirmed the warrant. During the arrest the Police Officer was Polite. Monica was placed in the Police vehicle on the passenger side. When Monica was put in the Police vehicle Lesa was already out of the cuffs and blood was on Lesa and the vehicle. Lesa had already taken the 5 pieces of crack out of its container. Monica Garza told Lesa to eat the crack. Lesa told Monica that she was going to eat the crack anyway. Monica said when Lesa slid her hand from her panties the Police Officer walked back to the Police car and asked what's happening. The Officer saw the orange case. Monica stated the crack was little pieces and was a daily supply. Police Officer asked what is going on and told her to get it out of her mouth. The Officer then appeared to hit her with a flashlight trying to get her to open her mouth. The Officer just wanted her to get the drugs out. Then another Police Officer came up

on the driver side. They grabbed Lesa who was still in her seat belt. The original Officer tried to pull Lesa over the top of Monica. Monica told the Officer she was choking and having a Panic attack. The Officer kept beating her up. The Officer was hitting Lesa with the flashlight. The Officer had Lesa over her with her head against the door with a flashlight for a few second. Lesa was not all the way out of her seatbelt. Lesa's legs came out and they threw her on the ground. Lesa was having confusions. The Officers put Lesa on her stomach and continued hitting her on the nose. While Lesa was on her back the Officers were still trying to get the drugs. She said Lesa was turning blue. Lesa laid on the ground not moving for about 10 minutes before the ambulance arrived. The Police tried to get the drugs out of Lesa's mouth with a red object. The object was similar to a spoon. At this time Lesa was having seizures. Monica said Lesa was already dead or brain dead. Garza stated Monica was diabetic and had panic attacks. The Police did not help her with the seizures. The Police only tried to get the drugs. There were a lot of police there. When Monica started telling the police to call for an ambulance the Police shut her door. After she told the officers to call for an ambulance they did. Monica stated she could not see what was happening in the ambulance because it was dark outside.


No other witnesses were identified or available for interview during this investigation."

Further, affiant says nothing.

Dated May 27, 2015.


 Terry Vice

Signed before me on May 27, 2015, under penalty of perjury.


 Notary, State of Texas

